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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,382	01/23/2004	Mikael Kjellman	1509-1030	4476

466 7590 08/11/2005

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EXAMINER
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MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/762,382

Applicant(s)

KJELLMAN, MIKAEL

Examiner

Steven M. Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4022004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the first office action for U.S. Application 10/762,382 for a Holder for cameras filed by Kjellman on January 23, 2004.

#### ***Claim Objections***

Claims 6-8 are objected to because of the following informalities: In claim 6, the word "cubes" should be changed to - - tubes - -. In claims 7 and 8, the word "pivotation" should be changed to - - pivoting - -. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "comprising three arms", but later in the claim recites the limitation, "a first arm or main arm, the second and third arms". It appears that Applicant is claiming the same thing, however, the wording of "three arms", should be changed to first, second, and third arms. Claims 2 and 3 recite the limitation "the individual side arm" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 8 recites the limitation "said first plate" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,283,421 B1 to Eason et al. Eason et al. discloses a holder with first, second and third arms (1 and 19,20) that are interconnected at inner ends thereof through a common, central joint device (5). There is a camera fixture (26 and 27) located on an outer end of the first arm and the second and third arms (2) form side arms that are axially and radially pivotable in relation to the main arm and lockable in different angular positions. The side arms are of equal length and weight and there are weight elements (9) connected to the outer ends of the side arms. The first arm has two or more telescopic tubes (19 and 20) that can be locked in different axial positions in relation to each other to permit a variation of length of the main arm and the side arms also have two or more telescopic tubes (1 and 7) that are lockable in different axial positions in relation to each other for the purpose of permitting a variation of the length of the side arms. The camera fixture has a plate (26) which is connected to the outer end of the first arm through a lockable joint (5) that permits pivoting of the plate around a first axis perpendicular to the longitudinal axis of the main arm, and can permit fixation of the plate with a camera indirectly supported thereby in two different angular positions in relation to the main arm.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,027,085 to Ruther in view of Eason et al. Ruther discloses a holder for cameras with a camera fixture (3-8) attached to a tripod assembly at a joint (2). The camera fixture comprises first and second plates (3-8) connected to an outer portion of the tripod at the joint, and the first plate (3) can pivot around a first axis perpendicular to the longitudinal axis of the tripod. The fixture permits a fixation of the plate together with a camera directly or indirectly in two different angular positions in relation to the tripod. The fixture also permits a second plate (4) to pivot around a second axis perpendicular to the first axis, the second plate being lockable in different angular positions in relation to the first plate and having means for attachment of a camera.

Ruther does not disclose an arm arrangement as disclosed in claims 1-6. However, Eason et al. discloses such an arrangement as discussed above in the 102 rejections of claims 1-6. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a tripod and support assembly such as the one taught by Eason et al., as the tripod for the support taught by Ruther, for the purpose of providing a support that can be folded into a storage position.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,604,720 B1 to Wilson

U.S. Patent Des. 421,447 to Eason et al.

U.S. Patent 5,794,899 to Tamillos

U.S. Patent 5,564,661 to Gershon

U.S. Patent 5,505,415 to Brett

U.S. Patent 6,007,259 to Mori et al.

U.S. Patent 4,437,753 to Dunn

U.S. Patent 4,648,698 to Iwasaki

U.S. Patent 6,820,844 B2 to Tiffen et al.

U.S. Patent 4,759,525 to Cross et al.

The above patents all disclose various stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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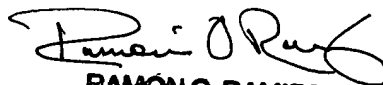
Art Unit: 3632

number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Sh

Steven M. Marsh

August 2, 2005

  
**RAMON O. RAMIREZ**  
**PRIMARY EXAMINER**